

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DREW HERIOT and
DREW PICTURES PTY LTD.,

Plaintiffs,

vs.

RHONDA BYRNE, THE SECRET LLC
(AKA TS HOLDINGS LLC), PRIME TIME
US INC., TS PRODUCTION HOLDINGS
LLC, TS PRODUCTION LLC,
TS MERCHANDISING LTD., and
ROBERT E. RAINONE, JR.,

Defendants.

Civil Case No. 08CV2272

The Honorable Suzanne B. Conlon

**DECLARATION OF DAVID S. ELKINS IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION
TO PRELIMINARILY ENJOIN DEFENDANT TS PRODUCTION LLC**

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Attorneys for Defendants
RHONDA BYRNE, TS RER LLC
(erroneously named as "THE SECRET LLC"
and "TS HOLDINGS LLC"), PRIME TIME
US INC., TS PRODUCTION HOLDINGS
LLC, TS PRODUCTION LLC,
TS MERCHANDISING LTD., and
ROBERT E. RAINONE, JR.

I, David S. Elkins, declare as follows:

1. I am an attorney-at-law, admitted to practice before the courts of the State of California and before this Court, and am a partner in the law firm of Squire, Sanders & Dempsey L.L.P. I am one of the attorneys of record for the defendants in this action. I am personally familiar with the facts set forth below and, if called as a witness, could and would testify competently thereto.

2. Attached as Exhibit A is a true and correct copy of a Notice of Motion for an anti-suit injunction filed by TS Production LLC with the Federal Court of Australia on April 23, 2008.

3. Attached as Exhibit B is a true and correct copy of a Notice of Motion to stay proceedings filed with the Federal Court of Australia by Drew Pictures Pty Ltd. and Drew Heriot on April 23, 2008.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 1, 2008.

/s/ David S. Elkins
David S. Elkins

Elkins Declaration

EXHIBIT A

**IN THE FEDERAL COURT OF AUSTRALIA
VICTORIA DISTRICT REGISTRY**

No. VID 122 of 2008

TS PRODUCTION LLC

Applicant

DREW PICTURES PTY LTD

(ACN 088 783 000)

First Respondent

DREW HERIOT

Second Respondent

NOTICE OF MOTION

(Order 19, rule 2)

The abovenamed Applicant will at am/pm on 11 July 2008, at the Federal Court of Australia, 305 William Street, Melbourne Victoria 3000 move the Court for orders that:

- 1 From the date of this order, the First and Second Respondents be and are hereby restrained, until determination of this proceeding (including any appeal) or until further order, from taking or causing to be taken any step in the proceedings commenced by them in the United States District Court for the Northern District of Illinois, Eastern Division, numbered 08CV2272 and captioned *Drew Heriot and Drew Pictures v Rhonda Byrne, The Secret LLC (AKA TS Holdings LLC), Prime Time US Inc., TS Production Holdings LLC, TS Production LLC, TS Merchandising Ltd. and Robert E Rainone Jr.*
- 2 That the Respondents pay the Applicant's costs of and incidental to this Notice of Motion.
- 3 Such further or other orders as the Court considers appropriate.

Filed on behalf of the Applicant

ARNOLD BLOCH LEIBLER
Lawyers and Advisers
Level 21, 333 Collins Street
Melbourne VIC 3000
DX: 38455 Melbourne

Solicitor's Code: 54
Tel: 61 3 9229 9999
Fax: 61 3 9229 9900
Ref: LZ:JTV 011451706
(Leon Zwier)

The time before which this notice of motion is to be served has not been abridged.

Date: 23 April 2008


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ARNOLD BLOCH LEIBLER
Solicitors for the Applicant

TO: The Respondents.
 C/o The Respondents' Solicitors
 Mallesons Stephen Jaques
 Level 50 Bourke Place
 Melbourne VIC 3000

Version 1

Elkins Declaration

EXHIBIT B

**IN THE FEDERAL COURT OF AUSTRALIA
VICTORIA DISTRICT REGISTRY**

VID 122 of 2008

TS PRODUCTION LLC

Applicant

**DREW PICTURES PTY LTD
(ACN 088 783 000)**

First Respondent

DREW HERIOT

Second Respondent

NOTICE OF MOTION

The abovenamed Respondents will at **10.15 am** on **11 July 2008** at the Federal Court of Australia, 305 William Street, Melbourne, Victoria, move the Court for orders that:

1. The proceeding be stayed pending the outcome of the proceedings commenced by the Respondents in the United States District Court for the Northern District of Illinois, Eastern Division.
2. The parties have liberty to apply to lift or vary the stay on seven days notice.
3. The Applicant pay the Respondents' costs of the Motion.
4. Such further orders as the Court thinks fit.

Dated: 23 May 2008



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MALLESONS STEPHEN JAQUES
Solicitors for the Respondents

TO: The Applicant
C/- Arnold Bloch Leibler
Level 21
333 Collins Street
Melbourne Victoria 3000

Filed on behalf of the Respondents by:
MALLESONS STEPHEN JAQUES

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